

## GOVERNMENT OF TELANGANA

### ABSTRACT

Tribal Welfare Department – Adilabad District – Appeal Petition filed by Sri Bavune Sitieshwar S/o Amba Rao, R/o Chandur Village of Utnoor Mandal, Adilabad District, under Section 7(2) of the Act 16 of 1993, against the Procs.No.C3/132/2019, dt.02.11.2019 of the Collector & District Magistrate, Adilabad District – Rejected - Orders – Issued.

---

### TRIBAL WELFARE (LTR) DEPARTMENT

---

**G.O.Ms. No. 5**

**Dated: 21.01.2022,  
Read the following:**

1. Proceedings No. C3/132/2019, dt. 02.11.2019 of the Collector & District Magistrate, Adilabad District,
2. Appeal Petition filed by Sri Bavune Sitieshwar, S/o Amba Rao R/o Chandur Village of Utnoor Mandal, Adilabad District, dt.04.12.2019 received through the U.O.Note No.1682/SCD.POA.A2/2019-1, dt. 12.12.2019.
3. Govt.Memo.No.1646/TW.LTR/2019, dated: 08.01.2020.
4. Lr.Rc.No.C3/132/2019, dt: .02.2020 received from the Collector & District Magistrate, Adilabad District.
5. Govt.Notice.No. 1646/TW.LTR/2019, dated:23.09.2020.
6. Govt.Memo.No. 1646/TW.LTR/2019, dated: 09.10.2020.
7. Letter e.office No.253182/TRI/TSV/VC-7.2020, received from the Director(I/C), TCR&TI, TW,DSS Bhavan, Masab Tank, Hyd., dt.16.02.2021.
- 8.Govt.Notice.No. 1646/TW.LTR/2019, dt: 22.06.2021 & 08.07.2021.

@@@

#### ORDER:

In the reference 1<sup>st</sup> read above, the Collector & District Magistrate, Adilabad District has cancelled the ST Kammara Caste Certificate obtained fraudulently by Sri Bavune Sitieshwar S/o Amba Rao R/o Chandur (vg) of Utnoor Mandal, Adilabad District – gist of which is as under:

- Through a representation dated 20.01.2019, Sri Gedam Bheem Rao and other villagers of Chanduri, Nelagonda and Bhumajiguda have submitted a representation stating that they belong to ST Gond and Pardhan Community. They know the family of Sri Bavune Sitieshwar (Sarpanch Contesting candidate) since (50) years and he belongs to Kammari caste but obtained ST (Kammara) Caste Certificate instead of BC-B Kammari Caste Certificate. His sister Kamankar Mahananda and his nephew Sri Modanker Parameshwar have obtained BC-B Kammari Certificate and hence, they have requested to take necessary action in the matter.
- Matter was referred to the DLSC on 20.02.2019 for enquiry into the caste status of Sri Bavune Sitieshwar S/o Amba Rao R/o Chandur (vg) of Utnoor Mandal.
- The DLSC has taken up the enquiry on 13.4.2019, 03.05.2019 and 27.05.2019 and concluded with the following findings on 28.5.2019:
  - Caste of Sri Bavune Sitieshwar S/o Amba Rao was recorded as BC (Kammara) in the Transfer Certificate issued by the Head Master, ZPSS, Hasnapur (vg) of Adilabad District.

(Contd...2)

::2::

- Tahsildar, Utnoor issued Caste Certificate bearing No.CGC045381758, dated 06.04.2013 to Sri Modanker Parameshwar S/o Modanker Mukund (nephew of Sri Bavune Sitieshwar) – wherein it was certified that he belongs to BC-B Kammari caste.
- Candidate deposed that they celebrate festivals like Akadi, Dasara, Deepavali, Polala which are not in sync with those practiced by the ST Kammara community in their traditional habitat.
- As per the guidelines issued by the Government, the festivals celebrated by the ST (Kammara) Tribes are Chaitra Purab, Gangamma Panduga and new fruit crop eating (Kotthala Panduga) ceremonies, Mamidi Kotha, Kandli Kotha, Chikkudu Kotha, Sama Kotha, which are different from those festivals that have been mentioned by Sri Bavune Sitieshwar in his deposition.
- As per the guidelines issued by the Government in Circular Memo.No.984/CV.2/98-3, dated 23.07.1999 and clarifications issued by the Government from time to time, the traditional habitat of ST Kammara is scheduled areas and adjoining areas in Srikakulam, Vizianagaram, Visakhapatnam, East Godavari and West Godavari Districts of erstwhile Andhra Pradesh State. So, Sri Bavune Sitieshwar cannot be considered as ST Kammara as per the above as the Kammara caste people do not reside in Adilabad.
- After verification of Caste Certificate issued to his nephew and the genealogical reasons, festivals following by the applicant, the applicant appears not belonging to ST Kammara caste besides ethnographic characteristics claimed by the individual do not match with the available records of cultural characteristics of the ST Kammara community.
- The chief places of habitation of ST Kammara community are in Andhra area and the Telangana area is not traditional habitat of ST Kammara community.
- The individual has failed to submit any ST (Kammara) caste/community certificate issued to his blood relations with his surname in this District.

2. The District Collector, Adilabad after examining recommendations of the DLSC and exercising powers conferred under Section 5 (1) of AP (SCs, STs and BCs) Regulation of Issue of Community Certificates Act, 1993 R/W Rule 9 (7) of AP (SCs, STs and BCs) Issue of Community, Nativity and Date of Birth Certificate Rules, 1997 earlier communicated in GO Ms.No.58, SW (J) Dept. dt.12.05.1997 and adopted subsequently in the State of Telangana vide GO Ms.No.5, SCD (POA.A2) Dept. dated 8.8.2014 has cancelled the Community Certificates issued by the Tahsildar Utnoor vide No.CGC077880734, dated 11.07.2013 and CND021707724795, dated 16.05.2017 to Sri Bavune Sitieshwar S/o Amba Rao R/o Chandur (vg) of Utnoor Mandal declaring him as not belonging to ST Kammara Community. Accordingly, Notification has also been issued on 02.11.2019.

3. In the reference 2<sup>nd</sup> read above, aggrieved by the above orders of the Dist., Collector, Adilabad, Sri Bavune Sitieshwar S/o Amba Rao, aged: 41 years, occ: Sarpanch R/o Chanduri village of Utnoor Mandal, Adilabad District, has submitted Appeal U/s.7 (2) of SC/ST, BC Regulation of Issue of Community Certificates Act, 1993 before the Government in SC Development Department on 04.12.2019 which has been transferred to Tribal Welfare Department vide their U.O.Note No.1682/SCD.POA.A2/2019-1, dated 12.12.2019 The Appellant Sri Bavune Sitieshwar has submitted following grounds/contentions in his Appeal:

(Contd...3)

::3::

- The area restrictions cannot be imposed on the Kammaras living in the plain as well as agency areas because Kammara tribe is notified as Scheduled Tribe throughout the State as per SC/ST Amendment Order, 1976 and 2014 and Kammara Tribes are living in Adilabad District as per the above orders.
- He celebrates festivals like Chaitra Purab, Gangalamma, New fruit crop, Mamidi Kotha, Khandi Kotha, Chikudu Kotha sama Kotha – but the lower authority not appreciated the evidence.
- Lower authority erred in holding that as per TC (Transfer Certificate) Kammara Tribe is doubtful. From 1950 to 1980, no one was educated in his community and he is the only educated person studied upto 10<sup>th</sup> class, his occupation is blacksmith and do not wear sacred thread, does not worship Veera Brahmendra Swami and there is no Temple of Veera Brahmendra Swami near their habitation. They eat beef and pork, so they are not Kammari but Kammara Tribe.
- Act 1993 has been adopted to Telangana State and GO Ms.No.2 has been issued on 22.01.2015 wherein ST Kammara Tribe has been notified through the State of Telangana under Annexure-I, No.10 in Agency area and non-agency area of Telangana State.

4. Sri Athram Raghunath S/o Athram Babu Rao, age: 42 years, occ: Ex-Sarpanch, R/o H.No.1-16, Kottaguda, Chandur, Adilabad District has filed Caveat dated 14.11.2019 before the Government praying to issue Notice to him or his Counsel M.Krishna Murthy & M.Prakash, Advocates before passing any ex-parte interim orders against Procs.No.C3/132/2019, dt.2.11.2019 on the file of the District Collector & District Magistrate, Adilabad District, in the event of the Respondent (Bavune Siteshwar) files any CRP or any petition before the Government.

5. In the reference 3<sup>rd</sup> read above, the Government was admitting the Appeal Petition filed by the Appellant Sri Bavune Siteshwar S/o Amba Rao and a copy of the Appeal Petition has been sent to the Collector & District Magistrate, Adilabad with a request to furnish para-wise remarks and connected original case record to Government.

6. In compliance to the Government Memo dated 8.1.2020 the Collector & District Magistrate, Adilabad in the reference 4<sup>th</sup> read above has sent the copy of file bearing No.C3/132/2019 and also submitted following remarks:

- As per the representation filed by the President, Adivasi Kammara (Kathi) Seva Sangam Mahagaon (vg) of Narnoor Mandal, Adilabad District for issuing ST (Kammara) Caste Certificate, the Commissioner of Tribal Welfare was requested to clarify regarding traditions and customs followed by the ST Kammara vide Lr.No.C3/2598/2018, dt.05.11.2018, The Commissioner (TW) has forwarded guidelines issued by the Government in Circular Memo.No.984/CV.2/98-3, dated 23.7.1999, vide Lr.No.52/2016/TRI/TEEC, Dt.26.11.2018.
- The DLSC has followed the guidelines scrupulously issued in the circular Memo dt.23.7.1999.
- The Appellant himself deposed before the DLSC that they celebrate festivals like Akadi, Dasara, Deepvali, Polala which are not followed by ST Kammara community in their traditional habitat. The ST Kammara celebrate Chaitra Purab, Gangalamma Panduga and new fruit crop eating (Kotthala Panduga) ceremonies, Mamidi Kotha, Kandli Kotha, Chikkudu Kotha, Sama Kotha. Hence, it clearly shows concealment of material facts.

(Contd...4)

- He deposed that he is the only studied person in his family and unknowingly his caste was mentioned as BC-Kammari in his Transfer Certificate. But, the complainants produced Caste Certificates of Sri Modanker Parameshwar S/o Modanker Mukund (nephew) – he was silent when asked about the caste certificate of Sri Modanker as BC-B (Kammari).
- He has not produced any ST (Kammara) certificate issued to his forefathers (or) his family members.
- He deposed before the DLSC that his father's name is Bavune Amba Rao and his grandfather's name as Bavune Laxman. When he was six years old, his father expired, his grandfather migrated to Chanduri village from Jatarla village of Bazarhathnoor Mandal and their occupation is Blacksmith, they belong to ST Kammara and speak Marathi language. His mother's name is Devu Bai, his maternal grandfather's name is Vagada Tulasi Ram and his mother native is Ambadi village of Nanded District of Maharashtra State, his wife name is Archana resident of Maharashtra State.
- After thorough verification of social, culture and religious way of life of the appellant, his caste certificate was cancelled.

7. In the reference 5th read above, the case was called for hearing on 29.9.2020 – Appellant and his counsel present, Respondent and his Counsel also present. Heard the arguments and verified the documents submitted by both the counsels.

8. In the reference 6th read above, Government has ordered for conducting detailed inquiry by the TCR & TI into the caste status of the Appellant and submit report.

9. The Appellant Sri Bavune Sitieshwar has attended enquiry before the TCR & TI on 10.11.2020. The Director, TCR&TI, TS Hyderabad in the reference 7<sup>th</sup> read above has submitted Enquiry Report with the following findings:

- Appellant claims as belonging to Kammara tribe but he obtained community certificate from MRO Utnoor, Adilabad District which is not natural habitat of Kammara-ST community.
- His mother tongue is Marathi but ST Kammara speaking Telugu language.
- Adilabad District is not the traditional habitat of Kammara Tribe and candidate did not furnish any proof relating to his ordinary residence as migrated from scheduled areas of Srikakulam, Vizianagaram, Visakhapatnam, East Godavari and West Godavari Districts.
- Appellant is having relationship with the people of Adilabad District of Telangana State and Maharashtra only.
- His mother's native place is Dahili, Nanded of Maharashtra and belongs to Khati community.
- His wife belongs to Khati community of Kimat, Nanded, Maharashtra.
- His sister married Lokande Visunath who belongs to Khati community of Pittiguda, Chandrapur of Maharashtra State.
- His surname, other surnames and clans furnished by him did not match with the information in Kammara community.

(Contd...5)

::5::

- The festivals, Gods & Goddesses of his community did not match with the information on Kammara community.
- ST Kammaras are Pork and Beef eaters but the Appellant claimed that ST Kammaras it is prohibited.
- ST Kammaras occupation is Podu cultivation/settled cultivation in addition to blacksmith in case of certain families but the main occupation of the claimant is Carpentry, making of agriculture equipments.
- Sri Surthikar Sitaram, President of Adivasi Kammara (Khati) Seva Sangham, Adilabad district in their representation stated that their culture, traditions, Gods/Goddesses, festivals and surnames are like Gond, Pardhan, Kolam tribes but these characteristics are distinguishing with the agency ST Kammara community.
- The candidate has obtained community certificate from MRO Utnoor Adilabad District whereas RDO is the competent authority to issue certificate and Adilabad is not the traditional habitat of Kammara Tribes.
- There is no substantive evidence/proof to ascertain the ST status claim of the Appellant as belongs to Kammara.

10. In the reference 8<sup>th</sup> read above, the case called for hearing on 26.06.2021 & 17.07.2021.

11. The Government has examined the evidences available on record and in compliance to the orders of the Hon'ble High Court dt.29.12.1997 in WP Nos.24699 & 1529/97 that "Kammara tribe can be identified even in other areas of the State, both in agency tracts as well as non-agency tracts'. Hence, the identification of the Kammaras should be based on the enquiry in respect of their traditional customs, manners, form of worship, dress, marriage, marital relations, place of habitation, linguistic affinity, social and cultural environments, caste structure etc.", issued revised guidelines in Circular No.984/CV2/98-3, dated 23.07.1999 (of Social Welfare-CV Department) – wherein the certifying officers should enquire whether the certificate seekers in the name of Kammara tribe possess the following characteristics of Kammara tribe and also their social, cultural and religious way of life should also be verified to find out the genuineness of their claim.

- Their traditional habitat is the Scheduled areas and their adjoining areas of Srikakulam, Visakhapatnam, Vizianagaram, East Godavari and West Godavari Districts.
- They are also called 'Konda Kammara', 'Koya Kammara' and 'Ojulu'. Their traditional occupation is blacksmith and carpentry and serves the other tribes – but most of them gave up their traditional occupation and taken to shifting cultivation as well as settled cultivation.
- They are divided into a number of totemic clans such as Korra (Sun), Kilip (Tiger), Bhalu (Bear), Samardi (Flower), Pangi (Kite) etc.
- Marriage by mutual love and elopement, marriage by capture, marriage by service and marriage by negotiations are socially approved forms of acquiring mates. Both levirate and sororate types of marriages are in vogue. They eat pork and beef.

(Contd...6)

- They worship Nishan Devatha, Sanku Devatha, Jakiri Devatha and Gangalamma. They perform Chaitrapurab, Gangalamma Panduga and first fruit/crop eating ceremonies such as Mamidi Kotha, Kandi Kotha, Chikkudu Kotha, Sama Kotha etc.
- They have tribal council of their own which regulates the social life of Kammaras and settles disputes, and they bury the dead.

12. There is also a caste with the similar nomenclature through the State i.e. Kammari or Kammara which is declared as Backward Class in the State of Andhra Pradesh. The Kammari or Kammara caste is one of the sub-divisions among Vishwa Brahmin caste which consists of Ausula/Kamsali, Kanchari, Vadrangi or Vadla, Kammari or Kammara and silpi occupational divisions. Members of all these occupational divisions inter-marry. It is a Telugu caste and traditional occupation is blacksmith but not traditional agriculturists. The totemic clan organization present in the Kammara tribe is not found in Kammara caste. They do not eat pork or beef, mostly vegetarians, wear sacred thread, generally suffix their names with 'Achari' and hence, they are called as Acharis in Rayalaseema Region of the State. The types of acquiring mates which are in vogue in the Kammara tribe are not socially accepted by Kammari caste (Vishwa Brahmin). Levirate is absent in Kammaris and traditional pantheon of the Kammari are different from Kammara tribe and they perform festivals which are performed by other Telugu Hindu caste.

13. In the light of the above guidelines and as seen from the evidences available on record, the Appellant failed to prove his claim as belonging to ST Kammara.

14. Accordingly, Government hereby rejected the Appeal filed by Sri Bavune Siteshwar S/o Amba Rao R/o Chandur Village of Utnoor Mandal, Adilabad District and upholding orders of the Collector & District Magistrate, Adilabad in Procs.No.C3/132/2019, dt.02.11.2019.

15. The Collector and District Magistrate, Adilabad District shall take necessary action in the matter.

**(BY ORDER AND IN THE NAME OF THE GOVERNOR OF TELANGANA)**

**Dr. CHRISTINA Z.CHONGTHU  
SECRETARY TO GOVERNMENT**

To

1. The Collector and District Magistrate, Adilabad District (w.e)  
(with a request to serve order copy to the individual and to send dated Acknowledgement to Government.)(By RPAD)
2. Sri Bavune Siteshwar S/o Amba Rao,  
R/o. Chandur Village of Utnoor Mandal, Adilabad District. (By RPAD)

Copy to:

1. Sri Gedam Bheem Rao & other R/o Chanduri village, Utnoor Mandal, Adilabad District. (Respondent) (BY RPAD)
2. Sri Athram Raghunath, S/o. A.Bapurao, Occ. Ex sarpanch,  
R/o. H.No. 1-16, Kothaguda, Chandur, Utnoor Mandal, Adilabad Dist.  
(Respondent) (BY RPAD)
3. Sri D. Bhav Rao, H.no.:2-32, Bheem Nagar, Indervelly Mandal,  
Adilabad District.504343. (Advocate for Petitioner) (BY RPAD)
4. Sri M.Krishnamurthy, M.Prakash (Advocate), M/S. Ingenious Law Firm,  
Flat No. 101, 1<sup>st</sup> floor, Shakthi Sai Complex, Chapel Road,  
Hyderabad-500001. (Advocate for Respondent) (BY RPAD)

(Contd...7)

::7::

5. The Commissioner of Tribal Welfare, TS, Hyderabad/ The Director, TCR&TI,  
DSS Bhavan, Hyderabad (for information)
6. The P.S. to Minister for ST Welfare (for information)
7. The PS to Secretary to Government (TW)
8. The PS to Special Secretary to Government (TW)
9. SF/SC.

//FORWARDED:: BY ORDER//

SECTION OFFICER